The Builder.

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THE practice common in our law-courts of referring matters to arbitration after the causes are ready for trial, has been recently severely reprobated by the press, and with great justice. "All the expenses," says the *Times*, "have been incurred, the pleadings gone through, counsel fee'd, witnesses in attendance, the judge ready, the jury in the box; and then there is enacted a grave farce,—wigs converge, some whispering goes on, some flourishes of protestation follow; and the client, *nolens volens*, is told to attend on such an evening at Mr. Emptybag's lodging; who is entirely ready and excessively willing to serve as judge and jury—for a consideration." This is specially the case with matters connected with architecture and building; so much so, particularly as to the settlement of accounts, that it seems surprising parties do not resort to reference in the first instance, and avoid the delay and additional expense caused by going into court. Our object in remarking on this subject is, not to induce parties to *refuse* to refer, because in nine of the cases out of ten to which we allude, a more just conclusion will be come to by able arbitrators than by a jury, but to point out to them the advantage of adopting this course without the interposition of a judge, the expenses of barristers, and, in many instances, a special jury. The saving of expense, moreover, is not the only advantage that will be gained by at once agreeing to refer a dispute, rather than commencing or defending an action at law. When a reference is ordered by the court, a *barrister* is always appointed referee, and that, too, without any regard to his knowing any thing about the matter. Generally speaking, he knows nothing about it whatever, and must depend on the statements of others rather than his own knowledge: he is necessarily less able to appreciate the merits of the case than one who does; and may be influenced by a legal quibble to commit injustice. Neither plaintiff nor defendant has a voice in the appointment, and the selection falls on Mr. Sharp or Mr. Dull, as friendly feelings may happen to dictate: the only hope contending parties can reasonably entertain is, that the referee so chosen may adopt the too common custom of his brethren in the same position, and "split the difference;"—a custom so general, indeed, as to have made this mode of settlement, namely, the division of the amount in dispute, synonymous with a "barrister's award."

We do not for a moment deny the ability of the English Bar,—it is as unquestionable and as great, as the insolence, *in court*, of many of its members; but it cannot be expected that one man can know every thing, and as there is an educated and able class of persons who have paid undivided attention to the one subject in question, it is from this class that referees should be chosen. We have seen evening after evening wasted, in satisfying a barrister-referee on points which an architect in that position, would have decided of his own knowledge in five minutes. We address these brief remarks more especially to two correspondents who have asked our advice in cases of apparent complexity, and we seriously advise them to avoid the expense and great uncertainty (under such circumstances) of the law courts, with the probability, when the expense has been incurred, that the matter will be referred to a barrister, and to assent at once to leave it to the arbitrement of properly qualified persons.

WORKS IN THE TOWER OF LONDON.

On the 14th of June, the first stone of the Waterloo Barracks was laid by the Duke of Wellington, on the site of the small armoury, destroyed by fire in 1841.* It is placed at the north-east corner of the building, and is thus inscribed:—"This first stone was laid by Field Marshal the Duke of Wellington, K.G., G.C.B., G.C.H., Constable of the Tower, and Commander-in-Chief of H.M. Forces, on the 14th of June, 1845."

Since then the works have been proceeded with vigorously, and the building is now nearly one story high throughout. The structure was originally proposed to accommodate 826 men, but recent alterations have fitted it to receive nearly 1,000. The length in front is 288 feet, and at the back 271 feet 8 inches. The width of the main building is 65 feet, but at the flanks it extends to 82 feet. The size of the principal rooms is 28 feet by 24. The floors are to be formed with iron girders and brick arches, so as to render the building fireproof. The style of the building is castellated Gothic of the fifteenth century: the walls are faced with Kentish rag, and the dressings of windows, doors, &c., are of Anston stone. Major Hall, as chief of the engineering department, is the director of the works; Mr. W. Harrison, the contractor for masonry, brickwork, &c., and Mr. John Harrison, for the carpenter's work. The total cost is estimated at nearly 50,000*l.*

Many other works are contemplated in the Tower involving a very large expenditure. We should be rejoiced to hear that they included the restoration of the keep, known as the White Tower, which is at present a disgraceful monument of ignorance and want of taste. This interesting structure is called by many writers, "Cæsar's Tower." Shakspeare says, in Richard II.,

——— "This is the way
To Julius Cæsar's ill-erected tower."

And Gray apostrophises,

——— "Julius' towers! London's lasting shame,
With many a black ad midnight murder fed."

In Richard III., as Mr. Godwin pointed out in his "Churches of London,"† Shakspeare seems almost to discuss the question. The Prince of Wales says, when Gloster is about to send him to the Tower:—

Did Cæsar build that place, my Lord?
Gloster. He did, my gracious Lord, begin that place:
Which, since, succeeding ages have re-edified.
Prince. Is it upon record? Or else reported
Successively from age to age, he built it?
Buckingham. Upon record, my gracious Lord.
Prince. But say, my Lord, it were not registered;
Methinks the truth should live from age to age,
As 'twere retailed to all posterity.
Even to the general all-ending day.—Act iii., s. 1.

The present keep was built by William the Conqueror, under the superintendence of Gundulfus, Bishop of Rochester (originally a monk of Caen, and one of the best architects of his time),‡ and contains one of the very few ecclesiastical examples of the Conqueror's time at present in existence. The chapel within the keep° is near the top of it, and though ponderous and rude, is a very interesting remnant. The roof is of singular construction. It is a barrel vault composed of small flat stones fixed wedge-wise in a bed of cement; and must have been supported by a wooden framework till it acquired consistency.† This chapel fortunately escaped the hands of the barbarous cobblers, who destroyed the outside.

The Tower contains a second place of worship, the church of St. Peter *ad Vincula*, erected in the reign of Edward I., which nearly adjoins the west end of the new barracks.

Restorations have been in progress here for some time past under the direction of the office of works. The masons are now putting up a new three-light window at the west end, for the design of which we cannot give much praise. It *may* be apparently like the original window, but slight differences, almost indescribable, sometimes produce a striking change in the effect. It seems just possible that they have restored a restoration.

The tower is to be recased, and a new bell-turret constructed. This church is remarkable as the burial place of the greater number of distinguished persons who were executed for treason during the sixteenth and seventeenth centuries. We avail ourselves of the following notice of them in a work before alluded to.‡

In one place rest the remains of Gerald Fitzgerald, Earl of Kildare, the Lord Deputy of Ireland, who, being committed to the Tower on suspicion of treasonable practices, died there of a broken heart, in 1534. In another were placed the worthy, the witty, but bigotted Sir Thomas More, and his friend, Fisher, Bishop of Rochester, who were beheaded in 1535. The body of the former, it is said by some, was afterwards obtained by his excellent daughter, Margaret Roper, and was re-interred in old Chelsea Church, in the chancel of which he had caused a vault to be made some years previous to his death. Faulkner, in his "History of Chelsea," however, supposes that this could not have been the case, from the circumstance that Bishop Fisher's body, which was originally placed in the Church of All Hallows, Barking, was removed to the Tower by Margaret, in order that it might be interred according to his request, near her father. In front of the altar lies the ill-fated Anne Boleyn, the second wife of the abandoned Henry VIII.; and immediately adjoining is the resting-place of her unworthy successor, Catherine Howard; the brother of the former, George, Lord Rochfort; and the venerable Margaret, Countess of Salisbury, who was the last descendant of the Plantagenet family.

Near this group was placed the body of Thomas Seymour, Lord High Admiral of England, who was beheaded in 1549, under a warrant from his own brother, the Protector Somerset; and between the two queens lies the Protector himself, brought from the scaffold a few months afterwards. John Dudley, Duke of Northumberland, the rival of the latter, also decapitated, rests here, as do the unfortunate Lady Jane Grey, an unwilling usurper of a throne, and her husband, Lord Dudley.

Thomas Howard, Duke of Norfolk, his son Philip, Earl of Arundel, and the impetuous Essex, the favourite of Queen Elizabeth, were buried here during her reign. In 1685, the body of James, Duke of Monmouth, the profligate son of the "merry monarch," who was beheaded for high treason, was placed beneath the communion table; and at the west end of the church, beneath the gallery, are those of Lords Kilmarnock, Balmerino, and Lovat, leaders in the rebellion of 1745. Nor should we omit in this mournful catalogue the name of Thomas Cromwell, Earl of Essex, who was originally a blacksmith's son, but raised himself by his talents to be the first minister of king Henry VIII. and was his chief agent in the overthrow of the papal supremacy. Having offended the king, he was committed to the Tower on a charge of high treason, and notwithstanding the most humble supplication for mercy, was beheaded in 1540."

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* A procession was formed across the parade, having the troops on the right, to the foundation of the barracks, and which proceeded in the following order:—The chief warder, Mr. Lund, in advance, followed by the whole of the Tower Yeomen of the Guard on duty in their coronation dresses, bearing halberts, walking two abreast; Serjeant Major Howe, the master-gunner of the Tower. Then came the Government contractor, bearing the plummet, and also the clerk of the works with the mallet. Mr. Stacey and Mr. Barratt, of the Ordnance department, carrying the coins to be deposited beneath the stone. Next followed the officers of the Royal Artillery, and the Royal Sappers and Miners quartered in the fortress. Major Hall, the commander of the Royal Engineers, with the plans of the intended building, and the Clerk of the Board of Ordnance, Capt. Boldero, M.P., with the trowel. Officers of the Ordnance Department; officers of the garrison. Field Marshal his Grace the Duke of Wellington, accompanied by the Right Hon. Sir George Murray, M.P., Master General of the Ordnance. Major Errington, Col. Gurwood, the Chaplain of the Garrison, and a staff of officers as guard of honour bringing up the rear. The Rev. Mr. Melvill offered up a prayer; coins were deposited beneath the stone, and the Duke, having first spread the mortar, finished the ceremony by striking the stone several times with a mallet.

† Vol. 1. Account of St. Peter's in the Tower.

‡ He also built Rochester cathedral.

° "Dum idem Gundulfus, ex præcepto regis Gulielmi, præsenet operi magnæ Turris Londoniæ." Textus Roffensis. Quoted by Mr. Gally, knight, in "An Architectural Tour in Normandy," &c. p. 235.

* "Architectural Tour in Normandy," *ut supra*.

‡ "The Churches of London."

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